

SEP:19.2005 3:54PM

MOFO 28TH FL

RECEIVED
CENTRAL FAX CENTER

NO. 693 P. 1

SEP 19 2005

MORRISON | FOERSTER

425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522

WWW.MOFO.COM

MORRISON & FOERSTER LLP

NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.

DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY

TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

FAX TRANSMISSION

DATE FAXED: September 19, 2005
TO: U.S.P.T.O. CENTRALIZED FAX CENTER
FAX NUMBER: (571) 273-8300
ATTORNEY DOCKET NO: 41627-20037.00
FROM: Michael R. Ward
PHONE: (415) 268-6237
PAGES (Including Cover Sheet): 12 **HARD COPY TO** ☐ YES ☒ NO

U.S. Patent Application Serial No. 10/664,513 filed 9/16/03

For: BIOCHEMICAL METHODS FOR MEASURING METABOLIC FITNESS OF
TISSUES OR WHOLE ORGANISMS

By: Marc K. HELLERSTEIN

Examiner: P. Martin Art Unit: 1655

Our Reference: 41627-20037.00

DOCUMENTS ATTACHED:

- 1) Transmittal - 1 pg
- 2) Response to RR of August 17, 2005 - 10 pgs

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at Lilia Olsen Ext. 6402 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

MORRISON & FOERSTER LLP
425 Market Street, San Francisco, California 94105-2482
Telephone: (415) 268-7000 Facsimile: (415) 268-7522

sf-2002673

SEP 19 2005

PTO/SB/21 (09-04)


Approved for use through 07/31/2008. OMB 0861-0031

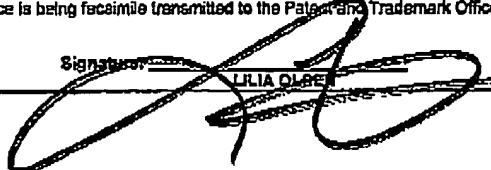
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/664,513	
	Filing Date	September 16, 2003	
	First Named Inventor	Marc K. HELLERSTEIN	
	Art Unit	1655	
	Examiner Name	P. Martin	
Total Number of Pages in This Submission	11	Attorney Docket Number	416272003700

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - Resp. to RR of 8/17/05 - 10 pgs <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, (Supplemental, 3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD <div style="border: 1px solid black; padding: 2px;">Remarks</div>	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet (1 pgs)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature			
Printed name	Michael R. Ward		
Date	September 19, 2005	Reg. No.	38,651

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (971) 273-8300, on the date shown below.	
Dated: September 19, 2005	Signature:  JULIA OLSON

sf-1924888

SEP 19 2005

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: September 19, 2005 Signature: 

CELIA OLSEN

Docket No.: 416272003700
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc K. HELLERSTEIN

Application No.: 10/664,513

Group Art Unit: 1655

Filed: September 16, 2003

Examiner: P. Martin

For: **BIOCHEMICAL METHODS FOR
MEASURING METABOLIC FITNESS OF
TISSUES OR WHOLE ORGANISMS**

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed August 17, 2005 (Paper No./Mail Date 72205), for which a response is due September 17, 2005. Since September 17, 2005 fell on a Saturday, this response is timely filed.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 9 of this paper.